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HUMAN RIGHTS COMMITTEE

Forty-second session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 1079th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 18 July 1991, at 10 a.m.

Chairman: Mr. POCAR

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* The summary record of the second part (closed) of the meeting appears as document CCPR/C/SR.1079/Add.1.

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The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (agenda item 4) (continued)

Second periodic report of Jordan (CCPR/C/46/Add.4; document M/CCPR/91/25 in the French version) (continued)

1. At the invitation of the Chairman, the members of the delegation of Jordan took seats at the Committee table.

2. The CHAIRMAN invited the Committee to resume consideration of the report, beginning with section XII (formerly section XIII) of the list of the issues, the text of which read:

"XII. Freedom of assembly and association (articles 21 and 22)

(a) Please provide information relating to the establishment of political parties since the submission of the report, and in particular of those that are banned.

(b) What guarantees are there that citizens can form political parties and what are the criteria for prohibiting the establishment of certain political parties?"

3. Mr. HAMMAD (Jordan) said that the rights of association and assembly were fully guaranteed in Jordan. Voluntary or charitable associations were simply required to register with the Ministry of Social Development but no condition was stipulated for such registration. Vocational trade unions were required to register with the Ministry of Labour. And under the new law currently before the Chamber of Deputies, political parties would also be obliged to register with the Ministry of the Interior, the only condition being that their purposes and principles must be in keeping with the Constitution and the National Charter.

4. Mr. ANDO said that he had a question about article 22, paragraph 3, of the Covenant, where reference was made to the International Labour Organisation (ILO). His question related not to freedom of association but to work, and was prompted by information he had obtained from ILO. According to that source, certain detainees were reportedly allowed to work for a private army, known as the "Arab army", and their remuneration was paid into a common fund for the improvement of prison conditions. He would like to know how accurate that information was.

5. Mr. WENNERGREN asked what conditions must be met in order to hold a peaceful demonstration.

6. Mr. HAMMAD (Jordan), replying to Mr. Ando, said that as far as he knew no prisoner had ever worked in any army whatever.

7. In reply to Mr. Wennergren, he explained that the law governing associations required that any group of persons wishing to organize a demonstration should advise the local authorities 24 hours in advance.

8. The CHAIRMAN read out section XIII (formerly XIV) of the list:

"XIII. Protection of the family (articles 23 and 24)

Please provide information on the rights and responsibility of spouses with regard to household and children during marriage and at its dissolution, commenting in particular on remaining practical problems, if any, in ensuring effective equality".

9. Mr. HAMMAD (Jordan) said that the spouses had identical rights and obligations during marriage. In the event of divorce, the father was required to pay maintenance for the children, an obligation which was regarded as progressive and intended to ensure the protection of the woman and children.

10. Mr. ANDO noted that according to paragraph 103 of the report, children under 7 could not be held criminally responsible. From that he deduced that the age of criminal responsibility was set at 7, which seemed to him to be very young. It was true that criminal legislation on that point varied greatly from State to State, but he would be grateful if the delegation of Jordan would comment on that provision.

11. Mr. HAMMAD (Jordan) said that the age of criminal responsibility did indeed vary from country to country. Admittedly 7 years was a very tender age, but it must be remembered that a delinquent child was tried in accordance with a special procedure by juvenile courts. If a child under 7 committed an offence, he was placed in his father's care. The Ministry of Social Development had established a number of measures for the reform of juvenile delinquents.

12. The CHAIRMAN read out section XIV (formerly XV):

"XIV. Right to participate in the conduct of public affairs (article 25)

(a) Please provide information on the actual extent of women's participation in public affairs at the national, regional and municipal levels.

(b) Please provide information on the organization of elections at various levels of government".

13. Mr. HAMMAD (Jordan) said that there were no exact figures on the percentage of women who participated in public affairs, but the Committee could rest assured that they were very actively involved. Women had been appointed to ministerial office, they occupied trade union posts in all government bodies and indeed in some public institutions there were more female civil servants than male.

14. As far as elections were concerned, they were conducted according to the normal rules of procedure; in the municipalities and villages, women fully exercised their rights both as candidates and as voters.

15. Mr. PRADO VALLEJO said that in order to take part in public affairs, citizens usually organized themselves into movements and parties. He would

like to know whether in Jordan there were still organizations of that kind which were considered illegal and, if so, what criteria were used to determine their legality or otherwise. In particular, he wished to know whether the Islamic movement known as the "Party for the Liberation of Jordan" was still considered illegal.

16. On the question of elections, he would like to know what methods were used for determining constituency boundaries in Jordan because, as he understood it, constituencies were defined not in terms of size of territory, but according to other criteria of which he was unaware. In any event, it was necessary, as was the practice in a great many countries, to apply the principle encapsulated in the formula "one man, one vote" or, at the very least, to use a method which would ensure that the opinion of the majority was expressed.

17. Mr. HAMMAD (Jordan), replying to the first question, said that since the most recent elections in 1989, the non-application of the directives issued by the authorities responsible for enforcing the measures imposed under the state of emergency, and the drafting of a new constitution - in which all the political movements had participated, no organization or association whose objectives were consistent with the Constitution and National Charter had been declared illegal. The organization referred to by Mr. Prado Vallejo, which was in fact called the Islamic Liberation Party, comprised various extremist religious groups. All parties, including the Islamic Liberation Party and the Party of the Muslim Brothers, could apply to the Ministry of the Interior to be included in the register of political organizations; their application would be accepted if their objectives were in conformity with the Constitution.

18. As to the determination of constituency boundaries, he explained that under the legislation on elections, the Kingdom was divided into constituencies according to geographical criteria and taking into account the fact that there were various minorities, a subject that would be dealt with later. The Government had been instructed to take measures to amend the electoral legislation so as to ensure that the principle of "one man, one vote" was respected, and the Ministry of the Interior had undertaken to draft a new law to guarantee that right.

19. Mr. EL SHAFEI said that, as he was speaking for the first time since the beginning of consideration of the report of Jordan, he wished to thank the delegation of Jordan for its report, which was complete and prepared in accordance with the Committee's guidelines.

20. On the question of elections, he would be grateful if the delegation of Jordan would give a general outline of the new legislation being drafted, indicating any restrictions that might be included in it. He inquired if prisoners, whether awaiting trial or sentenced, would have the right to vote. Was it planned to adopt a law governing political parties?

21. Mr. HAMMAD (Jordan) replied that the law which the new cabinet had been instructed to draft would guarantee respect for the international principles on the question, in particular, the principle of one vote per citizen. The Government had initiated a study of the practical means of giving effect to that law and was, for example, arranging for each citizen to be given an

electoral number and for his or her name to be included in a register. Under the new law, all citizens would be entitled to vote wherever they were. That held good for ordinary prisoners, whether they were awaiting trial or sentenced. There were no political prisoners in Jordan.

22. The Government had indeed drafted a Political Parties Bill, which was currently before the Chamber of Deputies.

23. The CHAIRMAN read out section XV (formerly XVI):

"XV. Rights of persons belonging to minorities (article 27)

Please provide information on the demographic composition of the Jordanian population".

24. Mr. HAMMAD (Jordan) said that over 93 per cent of the Jordanian population were Muslim and the remainder were Christian. Each community had its own courts which heard cases involving that community. On the question of participation in public affairs, the new electoral provisions had enabled the Christian minority to secure seats in parliament.

25. Mr. PRADO VALLEJO asked what was the status of Jordanian citizens of Palestinian origin and, in particular, whether they were regarded as Jordanians or primarily as Palestinians. He knew that they were often referred to as "Palestinians" and would like to know whether that designation merely represented common practice and usage or whether it was sanctioned by law.

26. Mr. HAMMAD (Jordan) said that there was no State in the world where the nationality of its citizens was governed by practice or usage. Jordanian law on nationality was very clear, and any citizen who had legally acquired nationality was Jordanian, with all the attendant rights and obligations, regardless of his place of origin.

27. The CHAIRMAN announced that all the questions on the list of issues had been dealt with and invited the members of the Committee to make their final comments.

28. Mr. FODOR observed that the Hashemite Kingdom of Jordan was going through a period of far-reaching political and social change but, unlike in other States, that had not prevented the Government from submitting its report and sending representatives to the Committee. That was a very commendable attitude.

29. The country had been under martial law for close to a quarter of a century, a situation that was hardly conducive to the protection of human rights. The report contained abundant evidence on that score. He was particularly concerned about the extensive powers which had been given to the special courts, the fact that no appeal could be made against sentences by those courts, the excessive number of categories of offences that were referred to them and the unduly frequent use of administrative detention.

30. Now that the military courts were no longer trying new cases, it might be asked whether they would still have before them the old cases which they had not yet tried. In addition, and that was a particularly disquieting question, the military courts had recently passed death sentences; in view of the repeal of the directives of the authorities responsible for enforcing martial law, the authorities of the Hashemite Kingdom of Jordan were urged to order that those sentences should not be executed.

31. The repeal, on 7 July, of the above-mentioned directives would necessarily lead to the review of various laws. He hoped that the Government would take due account of the Covenant and ensure that all provisions of existing laws that were incompatible with it were repealed. That was a process which would certainly take time, but it was to be hoped that by the time the next periodic report was considered, the representatives of Jordan would be able to announce significant changes conducive to the protection of human rights.

32. Mr. WENNERGREN said that he wished first of all to raise a question of procedure. Under article 4, paragraph 3, of the Covenant, any State party availing itself of the right to derogate from certain obligations under the Covenant was required immediately to inform the Secretary-General of the United Nations of the provisions from which it had derogated and of the reasons by which it had been actuated. In the case of Jordan, accession to the Covenant had taken place after the declaration of the state of emergency, which therefore presented a problem of interpretation of article 4, paragraph 3. He felt that, in the present case, the State party should have notified the Secretary-General of the state of emergency immediately after it had ratified the Covenant.

33. Notwithstanding that question, the dialogue with the delegation of Jordan had been useful, but it might have been even more useful if all the questions put by members of the Committee had been answered. The fact was that that was far from being the case. In that regard, he had taken note of the explanations given by the delegation, which had seen no point in going into details because the existing legislation was in the process of being completely revised, new bills were being discussed and that whole area was in a state of flux. However, because some important items of information had not been provided, the Committee was unable fully to understand what was the actual situation in Jordan today. It seemed to him that before the elections in 1989, many of the rights set forth in the Covenant had been violated, especially those provided for in articles 9 (liberty and security of person), 7 (torture and cruel, inhuman or degrading treatment), 19 (freedom of expression) and 22 (freedom of association). Of course, no country was perfect and no State party could claim to be unfailingly discharging all the obligations entered into under the Covenant. In the case of Jordan, the process of liberalization embarked on since 1989 had clearly promoted the enjoyment of civil and political rights. However, a number of new laws had not yet been enacted, in particular those concerning political parties and defence, and it was therefore very difficult for the Committee to say whether Jordan was satisfactorily fulfilling its obligations under the Covenant.

34. While he regretted the fact that a large number of the Committee's questions had gone unanswered, he hoped that the current developments in

Jordan would bring about a considerable improvement in the human rights situation. He wished the Jordanian authorities every success in promoting the rights and freedoms embodied in the Covenant.

35. Mrs. HIGGINS expressed appreciation for the courtesy Mr. Hammad had displayed throughout the dialogue which had taken place. The Committee had taken note of a number of encouraging factors, and she had no doubt that the Sovereign and the new Prime Minister of Jordan were endeavouring to improve the human rights situation in their country. She had also observed that, within the premises of the Palais des Nations, non-governmental organizations seemed to find it very easy to approach the representatives of the Jordanian authorities, a fact which she welcomed. That was how things should be and other countries would do well to follow Jordan's example in that regard.

36. She considered that there were a number of outstanding problems and they were of two kinds. Firstly, she had the feeling that many of the Committee's questions had not really been answered. For example, there were those regarding the obligation specified in article 4, paragraph 3, of the Covenant, the competent bodies on the question of censorship, the applicability of article 14, paragraph 5, of the Covenant in the absence of an appeal procedure in certain courts, especially since death sentences were sometimes involved, the 1954 Act on the prevention of delinquency, which apparently included provisions authorizing administrative detention, the exact purport of the Defence Bill, etc. Without more information on all those questions, it was very difficult to understand what was the situation in Jordan, and understanding was an absolute prerequisite for a fruitful dialogue.

37. Secondly, she felt that in order to achieve real progress in the area of respect for human rights, Jordan must undertake a complete review of its laws, in the light of the provisions of the Covenant. It needed to identify what emergency laws were still in force, after the repeal of the martial law and, in accordance with article 4, paragraph 3, of the Covenant, to notify all the legislative measures which derogated from the Covenant's provisions, providing justification of the need for such derogation. In addition, the Jordanian authorities should review all internal legislation article by article, beginning with the Defence Bill in order to make sure that it was in conformity with the Covenant.

38. She drew the attention of the delegation of Jordan to articles 9, 17 and 14, paragraph 5, of the Covenant, which should be taken duly into account in drafting the new legislation.

39. She associated herself with the appeal made by Mr. Fodor to the Jordanian authorities not to execute the sentences of capital punishment in the cases which had been tried by courts that had been abolished with the lifting of the state of emergency. Whatever crimes the persons sentenced might have committed, she considered that the execution of the sentence would be most untoward in the light of the present situation.

40. She hoped that the Jordanian delegation would transmit all the comments of the Committee to the Government, and wished the latter every success in its efforts to promote human rights.

41. Mr. PRADO VALLEJO thanked the delegation of Jordan for its willingness to cooperate with the Committee throughout the very positive dialogue which had taken place. He welcomed the recent progress in the field of human rights in Jordan, in particular the repeal of certain emergency laws which had greatly curtailed the enjoyment of a number of rights and freedoms. Nevertheless, without having enough information, it was very difficult to form a precise idea of the situation in Jordan. Furthermore, he was still concerned about a large number of questions, such as the unduly long state of emergency, which had only recently been lifted, the failure to respect the provisions of article 4 of the Covenant, the maintenance of a number of emergency laws impeding the enjoyment of human rights, etc. In contrast, the National Charter seemed to represent healthy progress, although it had not yet been fully incorporated into Jordan's legal and political system. He was of the view that the provisions of the Charter should be incorporated into the legislation in order to make them binding.

42. He was also concerned that the State authorities, and the judiciary in particular, were not really independent. The manner in which judges were appointed, for example, seemed to him questionable; they were appointed and removed from office by royal decree. It was in fact well known that, by its very nature, any human decision was not necessarily as impartial as it should be. Efforts should therefore be made to ensure that the system of appointment of judges did not permit any arbitrary action.

43. He strongly urged the Jordanian authorities also to remodel the system of electoral constituencies, in order to put into practice the principle of "one man, one vote".

44. With regard to the emergency laws, it was difficult to get a clear idea of the situation. Although some of those laws had recently been repealed, their effects were still being felt: political detainees, for example, who had been imprisoned pursuant to provisions adopted during the state of emergency were still being held. It was reasonable to expect that they would now be released.

45. In his view, certain customs of Jordanian society should be abandoned. There was, for instance, the unwritten law constituted by tribal custom, which carried the same weight as written legislation and gave rise to behaviour and actions that were completely at variance with the provisions of the Covenant. The Jordanian Government must therefore endeavour by every possible means to eliminate those customs.

46. Regarding the Press Bill, he gathered that although it removed some of the restrictions on freedom of the press, it still limited that freedom in several respects. The bill should therefore be amended to bring it into line with the provisions of the Covenant.

47. He thanked the delegation of Jordan and requested it to convey the Committee's comments to the Government, so that it could take them into account in carrying out its task.

48. Mr. AGUILAR URBINA said he was still concerned at the fact that the emergency legislation had been in force in Jordan since 1939, and observed

that, on ratifying the Covenant, the Government of Jordan should have informed the Secretary-General that an emergency situation existed in the country. Admittedly, circumstances could necessitate the enforcement of emergency laws, but it was to be hoped that, like martial law, laws of that kind would soon be repealed. In his view there was no doubt that the country would continue to pursue the path of full and complete protection of human rights. In that regard, he endorsed Mr. Fodor's appeal to the Jordanian authorities not to execute the persons sentenced to capital punishment under the emergency laws. Lastly, he thanked the Jordanian delegation for having conducted with the Committee a dialogue which reflected the determination of the Government of Jordan to continue to cooperate fully with the Committee.

49. Mr. ANDO thanked the Jordanian delegation both for its presentation of the report of Jordan in the Committee and for its oral explanations to members. He could well understand that a country like Jordan, which for many years had been under emergency legislation, should experience difficulties in implementing all the provisions of the Covenant, and considered that the difficulties would not simply disappear with the lifting of the state of emergency or the suspension of martial law.

50. A number of questions had remained unanswered and, in that regard, he stressed that the question of inequalities between the sexes should be thoroughly examined, the number of crimes carrying the death penalty could be reviewed, the members of the police and the army could be better trained in the subject of human rights, and the treatment of detainees and conditions of imprisonment could be improved. Furthermore, the Jordanian authorities should address the issues of the independence of the judiciary, freedom of expression, particularly on television, and the age of criminal responsibility. He realized that the situation in the region was sensitive, because stability could not be fully restored until the Palestinian question was settled, a question which necessarily affected the human rights situation in Jordan. Whatever the circumstances, however, no State party could be absolved from the international obligations which it had voluntarily undertaken. Jordan had in fact made progress in respect for human rights, but certain problems persisted; the Government of Jordan should therefore continue its dialogue with the Committee, in an effort to improve the situation in the country.

51. Mr. EL SHAFEI noted that considerable progress had recently been achieved in Jordan in the area of human rights, as demonstrated by the publication of the National Charter, which had been drafted by representatives of all the political movements in Jordan and was consequently the expression of undeniable national unity. While the Charter did not have the force of law, it would in practice enable the scope of application of the laws guaranteeing full respect for human rights to be extended. The Committee had also noted that the trend in Jordan was towards abolition of the regulations enforced under martial law, and that new bills had been submitted to the Chamber of Deputies, a fact which showed deep respect for human rights, although the country was directly affected by the international tensions that threatened stability in the Middle East.

52. The CHAIRMAN thanked the delegation of Jordan for its cooperation with the Committee, and associated himself with the observations made by members on

the progress made in Jordan in the area of human rights, and on the difficulties which the country still faced. In connection with the state of emergency, the Jordanian delegation had remarked that the Committee, and United Nations bodies as a whole, seemed to have indirect access to information from unconfirmed sources. While that might be the case, it should be noted that, under article 4 of the Covenant, any State Party which availed itself of the right of derogation was required immediately to inform the Secretary-General, which enabled the Committee to form a precise idea of the provisions of the Covenant from which the State party had derogated and the reasons justifying such derogations. In any event, it was clearly apparent from the report of Jordan that substantial progress had been made in implementing the provisions of the Covenant. It was to be hoped that the Jordanian delegation would pass on the Committee's comments to the Government with a view to the drafting of the third periodic report, which should be submitted shortly.

53. Mr. HAMMAD (Jordan) thanked the members of the Committee for their detailed comments. He pointed out that Jordan had acceded to the Covenant in 1975, whereas the state of emergency had been proclaimed many years before that; in his view, it was important to take that factor into account. With regard to the lifting of that state of emergency, he emphasized that Jordan lay in a region where an exceptional situation prevailed, one which was of particular concern to the international community. It was therefore to be hoped that the United Nations, and the Security Council in particular, as well as all other international peace-loving bodies, would also make their contribution to the achievement of human rights objectives.

54. His delegation had not wished to deny the problems or claim that the situation in Jordan left nothing to be desired. The members of the Committee would, however, have seen that the country now had democratic guarantees, that it was no longer governed by emergency laws, and that every effort had been made to ensure both de jure and de facto respect for rights and freedoms.

55. His delegation welcomed the rewarding and constructive dialogue it had had with the Committee and would make a point of submitting a detailed report of the Committee's comments to the appropriate organs in Jordan. It would also ensure that the next periodic reports of Jordan were submitted promptly.

56. The CHAIRMAN announced that the Committee had thus completed consideration of the second periodic report of Jordan.

57. Mr. Hammad and Mr. Matalgah (Jordan) withdrew.

The first part (public) of the meeting rose at 11.55 a.m.